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23552  
MERCHANT & GOULD PC  
P.O. Box 2903  
Minneapolis, MN 55402-0903

In re Application of	:	
WALDNER <i>et al</i>	:	
Application No.: 10/538,515	:	
PCT No.: PCT/EP03/13959	:	
Int. Filing Date: 09 December 2003	:	COMMUNICATION
Priority Date: 09 December 2002	:	
Attorney Docket No.: 12684.0015USWO	:	
For: INHALATION THERAPY DEVICE	:	

This communication is in response to the declaration submitted on 10 November 2005.

On 14 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee must be provided. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 10 November 2005, applicants filed response to the Form PCT/DO/EO/905 which included an executed declaration signed by all four inventors listed on the international publication. However, the second named inventor listed her name as Daniela MUNDENBRUCH on the declaration, rather than the way it appears on the international publication, *i.e.*, Daniela HAUSER.

Counsel has not provided an explanation regarding the name change and there is no record of a name change pursuant to PCT Rule 92bis in the record. If the inventor legally changed her name, a petition under 37 CFR 1.182 is required. Section 605.04(c) of the MPEP explains this procedure and states, in part:

The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

If, on the other hand, the inventor has not legally changed her name, a new declaration signed using the name listed on the international publication for each inventor is needed, or counsel must provide an adequate explanation regarding the change.

Applicants must provide a proper response within **ONE (1) MONTH** from the mail date of this communication. Failure to submit the required reply in the time allotted will result in the **ABANDONMENT** of this application.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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